IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 17301 of 1994

Between:

1 Smt. Gangam Sukkamma W/o. Pentayya
R/o. Kothapet, Ranga Reddy district.
2 M. Nagaiah S/o. Lingaiah
R/o. Kothapet, Uppal Mandal, Ranga Reddy Dist.
3 N. Sayanna S/o. Lakshmaiah
R/o. Kothapet, Uppal Mandal, Ranga Reddy Dist.
4 N. Danayya S/o. Late Lakshmaiah
R/o. Kothapet, Uppal Mandal, Ranga Reddy Dist.
5 M. Lingamma W/o. Chandrayya
R/o. Kothapet, Uppal Mandal, Ranga Reddy Dist.
6 Sri M. Yadaiah S/o. Seethaiah
R/o. Kothapet, Uppal Mandal, Ranga Reddy Dist.
7 J. Narasamma W/o. Narasaiah
R/o. Kothapet, Uppal Mandal, Ranga Reddy Dist.

..... PETITIONER(S)

AND

1 Government of Andhra Pradesh rep. by Secretary, Revenue Dept.,
Secretariat Buildings, Saifabad, Hyderabad.
2 The Joint Collector, Ranga Reddy District.
3 The Revenue Divisional Officer, East Division, Ranga Reddy Dist.
4 The Mandal Revenue Officer Uppal Mandal, Ranga Reddy Dist.

5 M.S. Mohan Rao, Secretary, Weaker Sections Welfare Society, Kotahpet Uppal Mandal, Ranga Reddy Dist.

(W.P. is dismissed against the respondents 3 and 5 for default vide court order dt 6/12/99.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the order dt. 28.5.1994 passed in proceedings No. D4/3317/93 passed by the 2nd Respondent as illegal, arbitrary and unjust and consequently direct the 1st Respondent for granting patta in favour of the petitioners on payment of market value as recommended by he 3rd respondent in respect of S.No. 135 of Kothapet Village, Saroornagar Mandal, Ranga Reddy district by issuing any appropriate Writ, Order or direction and pass appropriate orders.

Counsel for the Petitioners: MR.M.V.SURESH KUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

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ORDER:

The present writ petition has been filed to declare the order, dated 28.05.1994, passed by the 2nd respondent in proceedings No.D4/3317/1993 as illegal and arbitrary and consequently, direct the 1st respondent to grant patta in favour of the petitioners on payment of market value as recommended by the 3rd respondent in respect of Sy.No.135 of Kothapet Village, Saroornagar Mandal, Ranga Reddy District.

2. The case of the petitioners, in brief, is that they made a representation to the Mandal Revenue Officer, Uppal, and the same was forwarded to the Government, wherein the Collector, Ranga Reddy District, recommended to the Government for the grant of Ek-sal patta in their favour and accordingly, Ek-sal patta was granted in favour of petitioners. While so, the 5th respondent filed an appeal under Section-10 of A.P. Land Encroachment Act, 1905, against the orders passed by the Revenue Divisional Officer, Ranga Reddy East Division, dated 30.04.1993, issued in file Nos.B1/4475 to 4482/90. After hearing both the parties, the Joint Collector, Ranga Reddy District, came to a conclusion that the respondents therein i.e. the petitioners herein have illegally continued in the suit land and they cannot be granted patta in their name as the land in question falls within Urban agglomeration and covered by ban vide G.O.Ms.No.1409, (Revenue) Department, dated 19.08.1978. It has also been further observed that the petitioners continued their possession by filing cases in one Court or the other and has further observed that regarding the petitioners' case, the Government is the owner of the land and the allotment has to be made as per the requirements. Further, the Joint Collector has directed the Revenue Divisional Officer, East, to inspect the land and take action to protect the same from the encroachment.

3. On the other hand, the learned Government Pleader for Revenue appearing for the respondents argued that even though the petitioners were assigned the land in dispute on the basis of the Ek-sal patta, according to him, there is no further extension of the said Ek-sal patta and the Joint Collector in his proceedings vide

No.D4/3317/1993, dated 28.05.1994 has observed that the Government is the owner of the land.

4. In the light of the above facts and circumstances of the case, it is clear that the petitioners are claiming the land in question basing on the Ek-sal patta granted in their favour. It is also observed by the Joint Collector in impugned proceedings that the Ek-sal patta granted in favour of the petitioners was never renewed after its expiry during December, 1986, and that the Government is the owner of the disputed land.

5. Recording the same and also in the light of the fact that the Ek-sal patta granted in favour of the petitioners was never renewed after expiry of its term, the impugned proceedings needs no interference by this Court and the writ petition is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No costs.

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dr 29.07.2004

To

1 Government of Andhra Pradesh rep. by Secretary, Revenue Dept.,
Secretariat Buildings, Saifabad, Hyderabad.
2 The Joint Collector, Ranga Reddy District.
3 The Revenue Divisional Officer (Dismissed) East Division, Ranga Reddy Dist.
4 The Mandal Revenue Officer Uppal Mandal, Ranga Reddy Dist.
5 M.S. Mohan Rao (Dismissed) Secretry, Weaker Sections Welfare Society,
Kotahpet Uppal Mandal, Ranga Reddy Dist.

6. Two CCs to Govt. Pleader for Revenue, High Court Buildings,

Hyderabad. (OUT).

7. Two CD copies.